

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No. 97-65-001-KAJ
	)	
KEVIN BLACK,	)	
	)	
Defendant.	)	

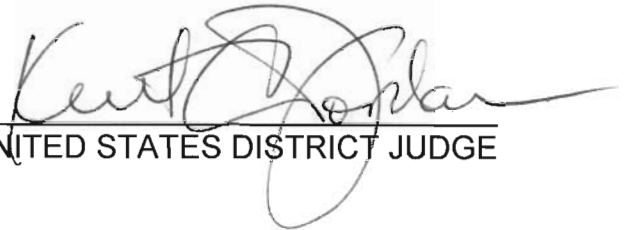
**ORDER**

At Wilmington, this 28<sup>th</sup> day of November, 2006, IT IS HEREBY

ORDERED that:

Kevin Black's motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) is **DENIED**. (D.I. 63.) Black's arguments do not trigger the provisions of § 3582(c)(2). First, the United States Supreme Court decision *United States v. Booker*, 543 U.S. 320 (2005) is not the equivalent of a Sentencing Guidelines amendment under § 3582(c)(2) that has lowered the sentencing range applicable to Black. See *United States v. Hall*, 2005 WL 1176049, at \*3 n.4 (E.D. Pa. May 17, 2005)(explaining that *Booker* is unrelated to any change in the Guidelines and is therefore outside the scope of a sentence modification under 3582(c)(2)); cf. *United States v. McBride*, 283 F.3d 612, 615-16 (3d Cir. 2002)(no *Apprendi* premised § 3582(c)(2) relief). Second, Black's post-sentencing rehabilitative

efforts do no provide a basis for reducing his sentence under § 3582(c)(2). See *United States v. Coley*, 2005 WL 1107375 (D. Del. May 6, 2005).



UNITED STATES DISTRICT JUDGE